

Construction Code Communicator



State of New Jersey
 Chris Christie, Governor
 Kim Guadagno, Lt. Governor

Department of Community Affairs
 Charles A. Richman, Commissioner

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The Winter Communicator: A Reminder

The final (Winter) issue of the *Construction Code Communicator* each year now consists of a collection of Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website during the calendar year. This year, we are including articles that were printed in earlier editions of the *Construction Code Communicator* on topics that continue to generate questions. As noted on the last page, once this edition of the *Construction Code Communicator* has been posted, these individual Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items will be removed from those sections of Division's website. There is one exception: the materials related to Superstorm Sandy will remain in place. In short, there are no new articles in this issue.

Please note that, although the documents will be removed from the Alerts and Hot Topics, it will still be possible to access them through Division's Document Library or through the "Topics A-Z" tab on the Division's website: www.nj.gov/dca/divisions/codes/.

Also, the indices for all issues of the *Construction Code Communicator* 2014 and 2015 are included in this issue as a handy reference.

Prospectively, the *Construction Code Communicator* will follow this same format: three issues, Spring, Summer, and Fall, that contain new articles and a Winter issue that will provide in one place all the Alerts, Hot Topics, Letters from the Director, guidance documents, and other information items that were posted on the Division's website in that calendar year with previously printed articles where the topic continues the generate questions.

If you have any questions about the *Construction Code Communicator*, or if you have any recommendations for articles, please feel free to contact me at (609) 984-7609 or at Emily.Templeton@dca.nj.gov.

Source: Emily W. Templeton
 Division of Codes and Standards



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National Standard Plumbing Code/2015 Adoption

Originally proposed August 17, 2015, the plumbing subcode, NJAC 5:23-3.15, adopted the 2015 edition of the National Standard Plumbing Code (NSPC) on January 4, 2016. Not unlike any other model code adoption, the 2009 NSPC will have a 6-month grace period. Consistent with projects utilizing the 2009 I-Codes having March 20, 2015 as the last day to submit a complete permit application to the local enforcing agency, the same will be in effect for the 2009 NSPC with July 3, 2016 being its last day. Otherwise, permit applications not stipulating that the previous code is chosen, the local enforcing agency should assume the new code is being used during the grace period(s).

This and all other proposals/adoption can be found at <http://www.nj.gov/dca/divisions/codes/codreg/> by scrolling to "Rule Proposals and Adoptions."

Source: Code Assistance Unit, (609) 984-7609

Permit Extension Act—Time is Up

The extension period under the Permit Extension Act ended on December 31, 2015. Please note that the adoption of the 2015 International Codes on September 21, 2015 affects the "shelf life" of released prototype plans. All plans submitted in support of a permit application after the end of the six month grace period (March 21, 2016) should be based on the 2015 editions of the model codes. Hardships should be dealt with by the construction official on a case by case basis.

Previous information regarding the Permit Extension Acts can be found at <http://www.nj.gov/dca/divisions/codes/topics/> by scrolling to "Permit Extension Act" under the letter P.

Source: Code Assistance Unit, (609) 984-7609

Digital Signatures and Seals for NJ Engineers

Effective November 16, 2015, the State Board of Professional Engineers and Land Surveyors amended NJAC 13:40 to allow digital signatures and seals for digitally-transmitted plans. As it affects the Uniform Construction Code, this is an acceptable practice for plan submittal by a licensed NJ engineer in order to comply with NJAC 5:23-2.15.

The specific language for this change can be found at NJAC 13:40-8.1 and 8.1A by going to <http://www.njconsumeraffairs.gov/pels/Pages/regulations.aspx> and clicking on "Chapter 40 State Board of Professional Engineers and Land Surveyors Regulations" within the "Laws and Regulations" heading.

Source: Code Assistance Unit, (609) 984-7609

Acceptance of Electronic Permit Applications (Memorandum to Construction Officials – November 21, 2014)

A number of local code officials have asked whether electronic permit applications may be accepted. This memo is to advise that electronic permit applications may be accepted provided that no plans or seal, either from a licensed design professional or licensed contractor, is required. This limits the ability to submit an electronic permit application for the time being. It is our hope that the licensing boards will work to make it possible to seal applications electronically at some point in the not-too-distant future. Until then, only applications that do not require any seal may be accepted electronically.

For electronic applications, please use the following language, together with a check box, above what would be the signature on the application: *I hereby certify by checking this box that the foregoing statements made by me on this application are true. I understand that if any of the above statements is willfully false, I am subject to punishment.*

Source: Edward M. Smith
Director, Division of Codes and Standards

Summary of Rule Changes for 2015 and 2014

September 21, 2015 New Jersey Register

- **N.J.A.C. 5:23-3.14, 3.16, 3.17, 3.18, 3.20, 3.21 and 3.22 (amended) -- Building Subcode, Electrical Subcode, Fire Protection Subcode, Energy Subcode Mechanical Subcode, One- and Two-family Dwelling Subcode and Fuel Gas Subcode:** The 2015 International Codes and the 2014 National Electrical Code are adopted by reference as the subcodes of the UCC.
- **N.J.A.C. 5:23-7.1 through 7.14 and 7.20 (repealed) -- Barrier Free Subcode:** With the adoption of Chapter 11 of the 2015 International Building Code, and its reference standard, ICC/ANSI A117.1-2009, these sections of the Barrier Free subcode are repealed.
- **Bulletin 15-2 -- Adopted Codes, Standards and Recommended Practices Referenced Under Informational Notes of the National Electrical Code 2014:** This bulletin contains a list of those specific codes, standards and recommended practices referenced in the Informational Notes of the Electrical Subcode (2014 National Electrical Code). This bulletin replaces Bulletin No. 12-1, which will be withdrawn after the 6-month grace period.

August 17, 2015 New Jersey Register

- **N.J.A.C. 5:23-10 -- Radon Hazard Subcode:** Recently, the list of municipalities in Tier 1, issued by the New Jersey Department of Environmental Protection (DEP) and incorporated into the Radon Hazard Subcode as Appendix 10-A of the Uniform Construction Code, has been amended by the DEP. The following municipalities have been added and incorporated into this Appendix: Lawnside Borough (Camden County), Lawrence Township (Cumberland County), Upper Deerfield Township (Cumberland County), South Harrison Township (Gloucester County), Kingwood Township (Hunterdon County), Millstone Township (Monmouth County), Kinnelon Borough (Morris County), Mannington Township (Salem County) and Bridgewater Township (Somerset County).
- **Bulletin 15-1 -- Liquid Carbon Dioxide (CO₂) Carbonated Beverage Systems:** This bulletin is being issued by the Divisions of Fire Safety and Codes and Standards to provide information on how to address installations of CO₂ carbonated beverage systems.
- **Bulletin 13-1B -- Pile foundation design issues in flood hazard areas for one and two-family dwellings:** This bulletin is revised to reflect the changes that went into effect 5-18-15 regarding foundations in a V zone.
- **Bulletin 07-3 -- Ice Dam Membrane/Ice Barrier:** This bulletin is updated to revise the language so that its application is made more clear.

May 18, 2015 New Jersey Register

- **N.J.S.A. 52:27D-123.14 -- The dimensional requirements for certain elevators:** The Uniform Construction Code Act was modified by P.L.2015, c.21. This new statute supersedes the rule at N.J.A.C. 5:23-3.14(b)21v. and calls for the Commissioner to amend the code to reflect this change. (This amendment will be included with the adoption of the 2015 International Codes.) The amendment to the Act narrows the requirement for elevators to accommodate stretchers to those elevators serving residential buildings four or more stories above or below grade. The change brings the scoping for and dimensions of the elevator required by New Jersey law into conformance with the International Building Code.
- **N.J.A.C. 5:23-2.15, 2.18, 2.37 and 3.21 -- Home elevations:** As described in the November, 2014 transmittal, requirements for home elevations were established through a special adoption. This special adoption included a concurrent proposal. The concurrent proposal has now been finalized and adopted with a minor modification. At N.J.A.C. 5:23-2.18, "professional engineer" has been changed to "design professional" to reflect the fact that the pile log and certification may be prepared by either an engineer or an architect.
- **N.J.A.C. 5:23-3.2(d) -- Commercial farm buildings:** Under this adopted amendment, the covering for hoopouses no longer is required to conform to the fire propagation criteria of National Fire Protection Association (NFPA) 701, Standard Method of Fire Tests for Flame-propagation of Textiles and Films.

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February 17, 2015 New Jersey Register

- **N.J.A.C. 5:23-3.4(d)** is amended regarding the enforcement responsibilities for the installation and replacement of mechanical equipment in existing residential buildings of Group R-3, R-4, or R-5 in that the plumbing subcode official is assigned in cases where no mechanical inspector is employed. By doing so, only one technical section would be required for the mechanical portions of the performed work. If electrical work is part of the installation, an electrical technical section would also be required.
- **N.J.A.C. 5:23-3.11(a)8** is amended to assign plan review authority for residential health care facilities to the Department's health care facilities plan review unit.
- **N.J.A.C. 5:23-3.11A(a)1 and (b)** are amended regarding the process for review of plans for projects at schools. No Department of Community Affairs approval is required for local review of plans for projects to be undertaken at schools (with the exception of the construction of new schools which still must be submitted to the Department for review.) This also eliminates the use of Department of Education Form DOE-124.
- **N.J.A.C. 5:23-4.5(j)** is amended regarding conflict of interest for construction or subcode officials, assistants to the construction or subcode official, trainees, inspectors, or plan reviewers in that it removes the prohibition from undertaking any construction-related activity in a municipality adjacent to any municipality in which they are employed.
- **N.J.A.C. 5:23-5.2 through 5.5, 5.21, 5.22, and 5.25** are amended regarding special inspectors making the rules for imposing sanctions on licensed code officials also applicable to certified special inspectors.

November 3, 2014 New Jersey Register

- **N.J.A.C. 5:23-2.15, 2.18, 2.37 and 3.21 -- Home Elevations:** Even though published in the November 3, 2014 issue of the New Jersey Register, the special adoption of these rules took effect on October 1, 2014, the date of filing with the Office of Administrative Law. The concurrent proposal has a comment period which will end on January 2, after which the Department must act to adopt the rules anew. This rulemaking stems from the enactment of P.L. 2014, c. 34 on August 15, 2014. This statute calls for the Division of Consumer Affairs, in the Department of Law and Public Safety, to adopt rules for the registration of home elevation contractors. And the Department of Community Affairs is charged with the adoption of rules governing the methods, procedures and other requirements that must be followed in performing home elevations.
- Bulletin 14-3, Jurisdiction Over Site Work - This bulletin offers guidance regarding the jurisdiction over site work performed in complexes, office or industrial parks or other "campus style" settings.

On October 1, 2014 (emergency rule proposal/adoption that appeared in the November 3, 2014 New Jersey Register), the Uniform Construction Code was amended to establish **standards for the elevation of existing buildings:**

- N.J.A.C. 5:23-2.15 is amended to require that a permit application to elevate an existing home include the registration number of the home elevation contractor.
- N.J.A.C. 5:23-2.18 is amended to state that a pile log and certification, prepared by a licensed professional engineer, takes the place of an inspection for pile foundations. The amendments include a description of what the certification must include and a requirement that the certification be based on the engineer's personal observations. (Please note that the State Board of Architects has pointed out that an architect may design and/or certify pilings under State law. The rule will be corrected to say "design professional.")
- A new rule, N.J.A.C. 5:23-2.37, contains the technical requirements for elevation, including addressing utility service connections, methods and equipment required, and protection of adjoining property.
- N.J.A.C. 5:23-3.21 is amended to require the use of American Society of Civil Engineers (ASCE) Standard 24 for foundation design and construction for one- or two-family homes on piles. Currently, the use of ASCE 24 is required for buildings other than one- or two-family homes and is listed as an alternative in the one- and two-family dwelling subcode. Because ASCE 24 is recognized as the industry standard for construction on piles, it is being adopted, and concurrently proposed. Alternate designs that do not conform to ASCE 24 may still be

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used through application for and granting of a variation. It should be noted that, because this is an amendment to an adopted subcode of the Uniform Construction Code, the six month grace period provided at N.J.A.C. 5:23-1.6 will apply.

October 6, 2014 New Jersey Register

- **N.J.A.C. 5:23-4.19, 4.20, 5.21, 5.22, 8.4, 8.9, 8.10, 8.11, 12.5, and 12.6 -- Fee Increases:** The Department raised fees for various programs that the Division of Codes and Standards administers. The fees charged by the Division are intended to generate sufficient income to cover program costs.

July 21, 2014 New Jersey Register

- **N.J.A.C. 5:23-2.15, 2.18 and 6.3A -- Flood-Resistant Construction:** For projects involving new construction, additions, or buildings that are deemed to be a substantial improvement, the amendments to N.J.A.C. 5:23-2.18(b)1ii(2) require the submittal of the lowest floor elevation and as-built elevation documentation for buildings located in a flood hazard area, in addition to the existing requirement for the foundation location survey. New N.J.A.C. 5:23-6.3A provides that, for buildings in designated flood hazard areas, any work that constitutes a substantial improvement of the existing building, as determined by the local floodplain administrator, must comply with the applicable flood-resistant construction requirements in the appropriate sections of the building subcode or of the one- and two-family dwelling subcode referenced in the rule.

May 5, 2014 New Jersey Register

- **N.J.A.C. 5:23-9.6 -- Interpretations: Construction requirements for new and existing casinos:** The adopted amendments address slot stools, slot machine heights and items related to emergency egress from the gaming areas.
- **Bulletin 14-1 – New One- or Two-Family Dwellings Installing NFPA 13D or P2904 Instead of NFPA 13R Sprinkler Systems:** New bulletin that provides guidance on allowing the construction of three story structures when either NFPA 13D or IRC Section P2904 fire sprinkler system is installed.
- **Bulletin 14-2 – Use of NFPA14 Manual Wet Fire Standpipes:** New bulletin that provides guidance on allowing the installation of a NFPA 14, Class I, manual wet standpipe system or other listed type standpipe systems in buildings that have either a NFPA 13 or 13R sprinkler system installed.

January 6, 2014 (including December 2, 2013) New Jersey Register

- **N.J.S.A. 52:27D-130 and 130.8 –** These amendments are companions to changes to the Municipal Land Use Law. The new provisions state that that, when there is a transfer of ownership of a project with an open permit, the new owner should file a permit update to reflect the change in ownership. And if the municipality has adopted an ordinance requiring the new developer to provide a new performance guarantee, then that performance guarantee must be in place before work proceeds. This would be handled as a prior approval.
- **N.J.A.C. 5:23-3.14(b)17 –** This administrative correction, new N.J.A.C. 5:23-3.14(b)17vii, is added to reflect the replacement of “registered design professional” with “person” in Section 1704.1.1 of the building subcode.
- **N.J.A.C. 5:23-6.8(b) –** This administrative correction addresses a typographical error appearing in the original notice of proposal. The corrected reference is Section 708.10.
- **Bulletin 98-3 -- Health Care Facilities Plan Review:** Residential health care facilities added to list of facilities to be reviewed by the Department.
- **Bulletin 00-3 -- Public Schools - Plan Review Procedure, Facility Planning Standards, and UCC Enhancements** (*replace pages 1-6, keep remaining*): Review procedures updated.
- **Bulletin 03-4 -- Wind Speed Map:** Information regarding an additional tool for determining wind speed and example provided.
- **Bulletin 03-5 -- Special Inspections:** Building subcode references updated.
- **Bulletin 05-2 -- Seismic Hazard Maps:** Information regarding an additional tool for determining seismic hazard category and example provided.
- **Bulletin 13-1B -- Pile foundation design issues in flood hazard areas for one and two-family dwellings:** New bulletin regarding the design and construction of pile foundations.

Construction Code Communicator Index 2014

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